

E-Filing

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD BURTON SARVER,

Defendant.

No. CR 05-00673-1 JSW

**ORDER TO SHOW CAUSE RE
DEFENDANT'S MEDICATION**

On March 30, 2006, Defendant filed a motion for custodial medical treatment, in which he sought an order from this Court requiring FDC Dublin to provide Defendant with a medication regimen that included anti-psychotic, antidepressant and anti-anxiety medications. The Government did not oppose this request. In response to the motion, the Court initiated inquiries with FDC Dublin regarding the allegations set forth in Defendant's motion, and was satisfied with the response it had received. However, on May 11, 2006, Defendant again raised the issue of Defendant's medication. Accordingly, the Court directed Defendant to submit a letter from Dr. Pablo Stewart setting forth Defendant's concerns with respect to the issue of administering an anti-anxiety medication to Mr. Sarver.

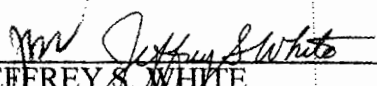
The Court has received that letter and attaches it to this Order. Having considered Dr. Stewart's letter, the Bureau of Prisons is HEREBY ORDERED TO SHOW CAUSE why, notwithstanding its policy against administering "'addictive' medications to someone with a known history of substance abuse," Mr. Sarver should not be given anti-anxiety medication in combination with the other medications he is receiving.

1 The Assistant United States attorney assigned to this matter shall serve a copy of this
2 Order on the appropriate official at the Bureau of Prisons by no later than May 18, 2006, and
3 shall file proof of such service with the Court.

4 The Bureau of Prisons shall file a written response to this Order by no later than May 26,
5 2006. In the event the Court believes a hearing is necessary, it shall so notify the parties.

6 **IT IS SO ORDERED.**

7 Dated: May 16, 2006


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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May 13, 2006

Daniel Blank
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

Re: United States v. Todd Burton Sarver
CR 05-0673 JSW

Dear Mr. Blank,

This is a follow up to my letter of March 28, 2006 in which I made several recommendations regarding the medication treatment of Mr. Todd Sarver. As I noted, Mr. Sarver has a long history of successful treatment with psychotropic medications. These have included antipsychotic, antidepressant and antianxiety-type medications.

I understand that there is reluctance on the part of the Bureau of Prisons (BOP) Staff to administer an antianxiety-type medication to Mr. Sarver due to his documented history of substance abuse. The staff justifies their withholding of this treatment to a BOP Policy regarding the prohibition of administering "addictive" medications to someone with a known history of substance abuse. This BOP Policy is inappropriately applied to Mr. Sarver. The medication in question, Klonopin, carries no chance of abuse when administered in an institutional setting. The staff would retain complete control of the dispensing of this medication at all times. Based on his previous treatment in various BOP settings, Mr. Sarver has responded well to 1 or 2 mg of Klonopin twice a day.

It is my extremely firm recommendation that the staff immediately begin dispensing Klonopin 1 mg twice a day to Mr. Sarver. The dose may have to be advanced to 2 mg twice a day based on his response to treatment. If administered in this manner, there is no chance of abuse of this medication by Mr. Sarver.

As always, I remain available to consult with the staff regarding the proper medication regimen for Mr. Sarver.

Sincerely,



Pablo Stewart, M.D.